

TITLE 327 WATER POLLUTION CONTROL DIVISION

Rule Information Sheet

Water Program Permitting Fees
LSA Document #20-26

Overview

Public Law 250-2019 was passed by the 2019 General Assembly to amend the process in IC 13-16 concerning the adoption of environmental fees by the Environmental Rules Board (board). The amendments to IC 13-16 provide a process by which the board may direct IDEM to initiate a rulemaking under IC 13-14-9 to address fees based on information collected by IDEM and presented to the board for its review and consideration. Public Law 250-2019 also establishes that the board may not change fees more than one time in five years, and the fee increase may not amount to more than ten percent.

In addition to the process established in IC 13-16 for future rulemakings to increase environmental fees, Public Law 250-2019 requires the board to adopt rules once before January 1, 2022, (this date was extended to January 1, 2023, by the General Assembly in the 2021 session) to increase the amount of the fees for water-related programs under IC 13-18-10, IC 13-18-20, and IC 13-18-20.5 along with fees for solid waste and hazardous waste programs under IC 13-20-21 and IC 13-22-12 by an aggregate amount of \$3,200,000 greater than the aggregate fee revenue actually received in the year immediately preceding the proposed fee increases.

This rulemaking addresses the one-time fee increases required under Public Law 250-2019 for IC 13-18-10, IC 13-18-20, and IC 13-18-20.5, regarding confined feeding operations, NPDES permits, and public water systems, respectively. The legislatively allowed fee increase of an aggregate of \$3,200,000 is shared among the affected fees in the water and waste programs in Titles 327 and 329. The water program fee increases will result in increased revenue for IDEM's water programs of approximately \$1,490,110.

Affected Persons

The fees increased under this rulemaking affect water related activities covered by IC 13-18-10, IC 13-18-20, and IC 13-18-20.5, regarding confined feeding operations, NPDES permits, and public water systems, respectively

Reasons for the Rule

The increases in fees collected by IDEM will be used to fund its work of issuing permits to wastewater and drinking water treatment plants and other water related activities under IC 13-18-10, IC 13-18-20, and IC 13-18-20.5. For some time, the collected fees have not been sufficient to cover IDEM's costs of operating the water programs. The fees associated with issuing permits, amendments, modifications, and renewals have not changed since 1996 for NPDES permits, 2003 for public water system permits, and 1997 for confined feeding operation permits.

Economic Impact of the Rule

This rulemaking has no fiscal impact beyond that imposed by Public Law 250-2019.

Scheduled Board Action and Hearings

First Public Hearing: November 10, 2021, at 1:30 P.M., at the Indiana Government Center North, 100 North Senate Avenue, Conference Room 1319, Indianapolis, Indiana.

Second Public Hearing: February 9, 2022, at 1:30 P.M., at the Indiana Government Center South, 10 North Senate Avenue, Conference Center Room A, Indianapolis, Indiana. The public may attend the Environmental Rules Board meeting in person or join by using the Zoom link, meeting ID, and passcode, or telephone numbers that can be found prior to the meeting at: <https://events.in.gov/idem>.

IDEM Contact

Additional information regarding this rulemaking action can be obtained from MaryAnn Stevens, Rules Development Branch, Office of Legal Counsel, (317) 232-8635, (800) 451-6027 (in Indiana), or mstevens@idem.in.gov.